



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P (MD) No.157 of 2017

Valliyammal

: Petitioner

Vs.

1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
State of Tamilnadu
Fort.St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of respondent No.2 in M.H.S.Confdl No.13/2017, dated 27.01.2017 and quash the same and direct the respondents to produce the detenu, by name, Nithiyakumar alias Nettai, son of Thamaraiselvan, aged about 33 years detained in Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Vinoth Bharathi

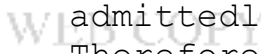
For Respondents : Mr.C.Ramesh

Additional Public Prosecutor.

O R D E R

[Order of the Court was made by M.M.SUNDRESH , J.]

The petitioner is the mother of the detenu - Nithiyakumar alias Nettai, aged about 33 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl No.13/2017, dated 27.01.2017, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition on the ground of non application of mind.



4. The learned Additional Public Prosecutor would submit that considering the fact that there is communal tension prevailing even now and taking into consideration of the detention order, which does indicate any non application of mind, no interference is required.

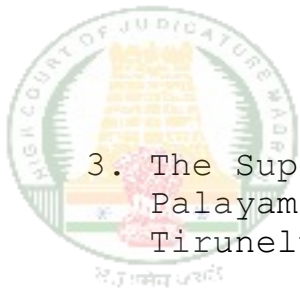
6. In the result, the Detention Order, passed by the second respondent, in his proceedings in M.H.S.Confdl No.13/2017, dated 27.01.2017, is quashed. The detenu, namely, Nithiyakumar alias Nettai, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-
Assistant Registrar (Cr1.Side)

Sub Assistant Registrar

1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
State of Tamilnadu
Fort.St.George,
Chennai - 600 009.

<https://hcservices.thecourtsdps.in/hcservices/>



3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
4. The Joint Secretary to Government
Public (Law & Order),
Fort.St.George, Chennai-9.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

JIKR

PSM/SKN-RSK/SAR1/14.07.2017/3P/6C

ORDER MADE IN
H.C.P (MD) No.157 of 2017
Dated:04.07.2017